



## UNITED STATES PATENT AND TRADEMARK OFFICE

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**OFFICE OF PETITIONS**

In re Application of :  
Elms, et al. : DECISION REFUSING STATUS  
Application No. 10/743,321 : UNDER 37 CFR 1.47(a)  
Filed: December 23, 2004 :  
Atty. Dkt. No.: 86769-0026 US :  
For: SECURE ELECTRONIC :  
REGISTRATION AND VOTING :  
SOLUTION :  
:

This decision is in response to the petition under 37 CFR 1.47(a), filed November 4, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed March 2, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed May 21, 2004 requiring, *inter alia*, an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy item (2) set forth above. An oath or declaration for the patent application in compliance

with 37 CFR 1.63 and 1.64 still has not been presented. The first page of the declaration does not list all joint inventors. The declaration is not properly numbered, i.e.; 1 of 2; 2 of 2. The declaration is instead numbered Page 2, Page 3, Page 3, Page 3, and Page 5. The first page of the declaration is not numbered. Moreover, the declaration identifies two inventors individually on two separate sheets of paper without reference to the other joint inventors. The Declaration should set forth all of the joint inventors on the same page to ensure that each named inventor is aware of the other named inventors of the subject matter. Subsequent sheets should be properly numbered, i.e., page 1 of 2. For this reason, an oath or declaration in compliance with 37 CFR 1.63 and 1.64 is required. See, MPEP 409.03(a).

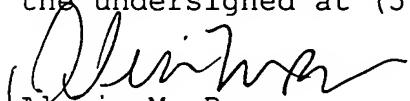
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition  
Commissioner for Patents  
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By facsimile: (703) 308-6916

By hand: U.S. Patent and Trademark Office  
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Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

  
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Office of Petitions